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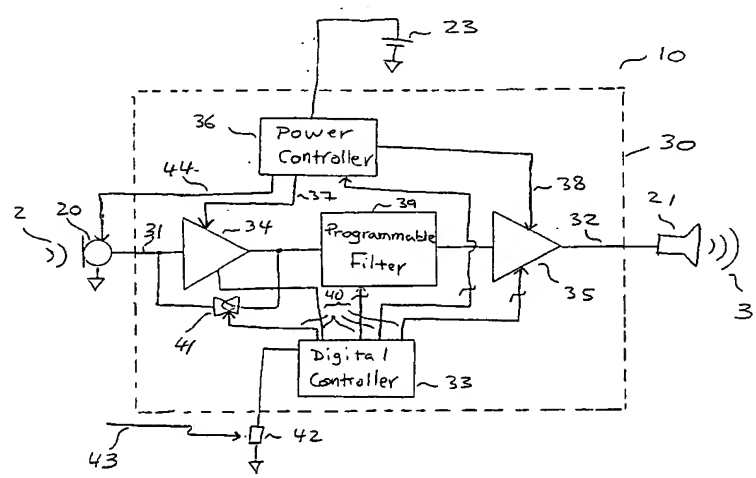
For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

(54) Title: CANAL HEARING DEVICE WITH TRANSPARENT MODE



(57) Abstract: The invention provides a canal hearing device and method in which the device is implemented with a mode of operation that provides acoustic transparency as well as a power-saving function, particularly useful to permit the user to wear the device in the ear canal during periods of sleep or inactivity without substantial loss of normal unaided response. The transparent mode has an in-situ acoustic transfer function that compensates for the insertion loss caused by the presence of a hearing device in the ear canal. While the device is in this transparent mode, its acoustic transfer function gives the user a perception of unaided hearing, as though the device were removed, when it is actually being worn continuously in the ear canal. Current drain of the device is significantly reduced as the transparent mode serves to shut off or reduce bias currents of at least one circuit element within the device circuitry. The invention is particularly useful in canal hearing devices adapted for extended wear in the ear canal for periods longer than one month without removal.

WO 03/024148 A2

CANAL HEARING DEVICE WITH TRANSPARENT MODE

Background of the Invention

Technical Field

The present invention relates generally to miniature hearing aids, acoustic and otherwise, which are fitted deeply in the ear canal.

Description of the Prior Art

Conventional hearing aids provide sound amplification selected based on individual hearing loss. It is well known in the field of hearing aids that turning such devices OFF while being worn in the ear causes additional hearing loss to the wearer. This loss, referred to sometimes as "*insertion loss*", occurs due to the occlusion of the ear canal by the hearing device. This occlusion prevents sounds from reaching the eardrum directly via the ear canal (see e.g., Sandlin, *Hearing Instrument Science & Fitting Practices*, National Institute for Hearing Instruments Studies, 1996, pp. 358).

It is also well known in the field of hearing aids that the unoccluded (open) ear canal (**1** in **FIG. 1**) contributes significantly to the acoustic modification which occurs when sound (**2**) travels to the eardrum (4). This transfer function, sometimes referred to as Real-Ear Unaided Response (REUR) which includes the canal resonance, provides acoustic amplification at certain frequencies, generally in the range of 2000 to 4000 kHz (see e.g., Chasin M., *Completely In The Canal Handbook*, Singular Publishing, 1997, pp. 91). However, the occlusion by an in-situ hearing device in the OFF condition dramatically alters both the *quality* of incoming sound (altered frequency response- muffled) as well as its *quantity* (attenuation).

For the above reasons, a hearing aid is typically either worn with amplification ON, or removed from the ear and turned OFF for conserving battery power. It is conceivable that a hearing device may be worn OFF for achieving sound attenuation with the device acting essentially as an earplug. However, this is clearly not a desirable scenario for the hearing impaired who already suffer from hearing loss and cannot afford the additional loss. An

acoustic vent across a hearing device is typically employed in conventional aids for variety of reasons including allowing certain frequency ranges to bypass the device and reach the eardrum via the vent. However, venting is useful mainly in conjunction with amplification provided by the ON in-situ device. Hence, vents do not substitute for the natural unaided response when an in-situ device is in the OFF condition.

More practical means of reducing current consumption, without resorting to shutting of the device, include volume reduction. However, volume reduction does not reduce power consumption proportional to the reduction nor does it restore the natural perception of unaided hearing.

Reducing the power consumption has always been a major goal in hearing aid design. In programmable hearing aids, for example, circuit elements can be selectively turned off depending on the operating condition required by the user. Martin et. al. for example, in United States Patent Number (USPN) 5,710,820 describe a hearing aid in which "function blocks not required for the selected operating condition are deactivated and bridged (cut out), so that only the current respectively required for the active function blocks is drawn from the battery 35."

Recent advances have lead to the development of extended-wear (semi-permanent) canal hearing devices, which are operated continuously in the ear canal for several months before battery depletion and removal. These canal hearing devices are totally inconspicuous thus cosmetically appealing to the users. Turning these extended-wear devices OFF during sleep or inactivity is desirable on one hand for reducing power consumption and extending the battery life of the device. However, turning these devices OFF in-situ causes an *insertion loss* as described above. The *insertion loss* is problematic for these users since it further limits their hearing ability , particularly in emergency situations (fire alarm, horn blowing, traffic sounds, etc.). Another problem caused by the *insertion loss* of hearing aids in general is the inability to hear sounds naturally in a similar manner as in the unaided condition. Removal of the extended-wear devices to restore unaided hearing contradicts the intended purpose of their continuous wear.

A key goal of the present invention is to provide a canal device and a method thereof for reproducing the unaided response while the hearing device is worn in the ear canal.

Another goal of the present invention is to significantly reduce the power consumption of a canal hearing device in-situ while simultaneously producing the experience of unaided hearing.

Summary of the Invention

The device and method of the present invention provide a power-saving mode of operation offering acoustic transparency, particularly suited for canal hearing devices during sleep or inactivity. Acoustic transparency is accomplished by providing an in-situ acoustic transfer function that compensates for the insertion loss caused by the presence of a hearing device in the ear canal. The transparent mode simulates the user's experience of unaided hearing, thus causing the user to perceive the acoustic "absence" of a hearing device while a device is worn in the ear canal. This mode also significantly reduces current drain from the battery for extending the life of the hearing device. Current reduction is achieved by shutting off one or more circuit elements and by reducing bias currents to other elements.

The invention essentially reproduces the unaided hearing function while providing significant power savings without resorting to removing the device from the ear canal. It allows the user to continue to hear and respond to emergency situations as if the device were not present in the ear canal. The invention is particularly applicable for extended wear applications in which a specialized hearing device is worn continuously in the ear canal for several months without daily removal. The invention is also applicable for disposable hearing devices wherein the longevity of the integrated battery is desirable for the user.

Brief Description of the Drawings:

The above and still further goals, objectives, features, aspects and attendant advantages of the present invention will be better understood from the following detailed description of the best mode presently contemplated for practicing the invention, with reference to certain preferred embodiments and methods, taken in conjunction with the accompanying Figures of drawing, in which:

FIG. 1 is a view of the ear canal occluded with a deep canal hearing device;

FIG. 2 is a schematic diagram of an analog amplifier embodiment of the hearing

device of the present invention; and

FIG 3 is a schematic diagram of digital-signal-processing embodiment of the invented hearing device.

Detailed Description of the Preferred Embodiments and Methods

The present invention, illustrated in **FIGS. 2** and **3**, provides hearing enhancement device **10** placed in the ear canal **1**. The invented device and method thereof provide acoustic transparency by providing in-situ acoustic transfer function that compensates for the insertion loss caused by the presence of a hearing device in the ear canal. The transparent mode simulates the user's experience of unaided hearing, thus causing the user to perceive the "absence" of a hearing device while a device is worn in the ear canal. This mode is particularly useful during wearer inactivity, such as during sleeping, thus referred to below sometimes as *sleep mode*.

The transparent mode significantly reduces current drain from the battery for extending the life of the hearing device. Current reduction is achieved by shutting off one or more circuit elements and/or by reducing bias currents to other elements. The invention essentially restores the unaided hearing function while providing significant power savings, all without resorting to removing the device from the ear canal.

In the exemplary embodiments shown in **FIGS. 2** and **3** (and with further reference to **FIG. 1**), the canal hearing device **10** comprises a microphone **20**, a receiver (speaker) **21**, battery **23**, and integrated circuitry **30** (**50** in **FIG. 3**). The microphone picks up incoming sound **2** and receiver **21** delivers amplified sound **3** to the eardrum **4**.

In the analog embodiment of **FIG. 2**, integrated circuit **30** comprises circuit elements including input amplifier **34** and output amplifier **35**, for amplifying microphone output **31** and producing amplified receiver input **32**. Amplifiers **34** and **35** are biased via bias lines **37** and **38**, respectively, from current sources within power controller circuit **36**. Digital controller **33** provides control signals **40** to input amplifier **34**, output amplifier **35**, programmable filter **39**, and power controller circuit **36**. The amplification and filter settings are programmed into digital controller **33** by means well known in the field of hearing aid design. This includes wire and wireless programming methods which load a program setting

(prescription) into memory elements (not shown) associated with digital controller **33**. The programming of the embodiment of **FIG. 2** is accomplished via a magnetic switch **42** activated by an external magnetic field **43** produced by a magnet held by the user, for example. The user, using a magnet or other programming methods known in the field, selects the transparent mode or other modes such as ON or OFF, as desired. The prescription is selected according to specific amplification and filtering needs of the hearing impaired individual.

In the normal ON operation, bias currents from bias lines **37** and **38** are relatively high. This is due to the relatively high amplification (gain) requirement of the hearing device **10**. However, when the digital controller **33** is appropriately invoked by the user, the control signals **40** are switched to reflect the transparency mode. This causes the power controller to reduce bias currents substantially since the gain requirements are relatively lower than ON gain requirements. Furthermore, input amplifier **34** is preferably completely shut off (zero bias current from bias line **37**) during the transparency mode in the embodiment of **FIG. 2**. In this case, the microphone output **31** is switched directly to programmable filter **39** input via analog switch **41**. Bias current to the microphone **20** via microphone bias line **44** is also reduced during sleep mode of the present invention.

FIG. 3 illustrates a digital signal processing embodiment of the invented hearing device **10** comprising microphone **20**, receiver **21**, battery **23** and integrated circuit **50**. In this embodiment, digital controller **51** defines the settings for circuit blocks via control lines **57** connected to pre-amplifier **52**, analog-to-digital (A/D) converter **53**, digital signal processor (DSP) unit **54**, digital-to-analog (D/A) converter **55** and output amplifier **56**. Memory element **58** comprises various prescriptions, individualized or generalized, such as ON Program **61** and Transparent Program **62** for on and sleep modes, respectively. The digital controller **51** also controls the power controller **59** to affect bias currents of circuit blocks depending on the desired mode of operation.

In each of these embodiments, the sleep (transparent) mode of the device is preset to produce an in-situ response substantially similar to the unaided response (i.e., mirroring the response that would be perceived by the hearing of the impaired individual if no hearing device were present in the ear canal). Thus, the wearer receives the benefit of being able to

leave the device in place in the ear, without experiencing the occlusion that would otherwise be present if the transparent mode of the invention were not provided in the hearing device.

The transparent mode is particularly desirable for extended wear canal hearing devices, which are worn continuously in the ear canal for several months without daily removal. Since the user does not remove the device from the ear on a daily basis, as he or she would with conventional hearing aids, the transparent mode allows the user to perceive sounds as though they were "unaided," and allows the device to conserve energy to enable extended wear. The transparency mode is most suitable during sleep and resting, since it is during those times that users of conventional hearing aids generally prefer to remove the device from the ear to avoid prolonged and unnecessary amplification, and consequent noise-induced fatigue and irritation. Turning an in-situ device OFF for extended wear applications causes insertion loss which interferes with communications and further presents a potential hazard during emergency situations (i.e., fire alarm, traffic, etc.).

In the preferred embodiments of the present invention as described above, however, the aided response in the transparent mode is adjusted or preset to yield an overall response in-situ substantially similar to the unaided response. In those embodiments, the aided response in the sleep mode is within 6 decibels (db) of the unaided response, particularly in the range of 125 to 4,000 Hertz (Hz). The prescription of the device depends on the position of the device in the ear canal, and particularly the distance and air volume between the receiver **21** and eardrum **4** (**FIG. 1**). For a particular hearing device, the sleep mode prescription may be generic, based on a generalized ear model; or it may be specific, based on measured unaided and aided responses.

The transparent mode is also applicable for other types of hearing devices such as disposable hearing aids with integrated battery. In such applications, the hearing device is disposed of when its integrated battery is depleted. The transparent mode improves the longevity of the disposable device, thus reducing the cost of replacement over time. Extended wear canal devices with alternate transducers, such as direct tympanic drive (e.g., see USPN 6,137,889), are equally suited to benefit from the transparent mode of the present invention.

Five prototypes of canal hearing devices currently under development by InSonus Medical Inc. (assignee of the present invention) were evaluated in terms of current

consumption during various modes of operation; namely Full-ON-Gain (FOG) mode, typical ON mode, and transparent mode. FOG mode represents the maximum gain settings available for the device. Typical ON mode represents typical gain settings for the average user, and transparent mode represents a setting offering functional gain generally within 6 decibels of unaided response in the standard audiometric frequency range. The transparent mode causes the hearing device to reduce bias currents to the microphone **20** (**FIG. 2**) and output amplifier **35**. Furthermore, bias current is essentially shut off for input amplifier **34** while the microphone output **31** is switched directly to the input of output amplifier **35**. These reductions lead to substantial current savings in the transparent mode as is shown below.

Each of the canal device prototypes comprises a proprietary ultra-low power integrated circuit **30** (model DS-I) according to the embodiment of **FIG. 2**. The device prototypes were tested using standard hearing aid analyzer equipment (model Fonix 6500 CX manufactured by Frey Electronic) and a standard CIC (Completely-In-the-Canal) coupler simulating the ear canal cavity. The current consumption was measured using a laboratory digital meter (model PROTEK 506).

The current consumption in the FOG, ON and transparent modes was 65.9 microamperes (μA), 40.3 μA and 5.8 μA, respectively, on average for the five prototypes.

The transparent mode reduces power consumption by approximately 91% of maximum settings and by 85% of typical settings.

Although a presently preferred best mode of practicing the invention has been described herein, with reference to certain exemplary embodiments and methods, it will be apparent to those skilled in the art to which the invention pertains, that variations and modifications of the disclosed embodiments and methods may be implemented without departing from the spirit and scope of the invention. It is therefore intended that the invention shall be limited only to the extent required by the appended claims and the rules and principles of the applicable law.

What is claimed is:

1. A canal hearing device for hearing enhancement to a user, comprising:

a microphone, an integrated circuit, and a power source; and an improvement comprising:

an acoustic transparent mode of operation of said canal hearing device having an overall in-situ acoustic transfer function that gives the user a perception of unaided hearing while said canal hearing device is being worn in the ear canal, said transparent mode being selectable by the user.

2. The canal hearing device of claim **1**, wherein said transparent mode includes:

means for selectively reducing current drain of said canal hearing device.

3. The canal hearing device of claim **2**, wherein:

said means for selectively reducing current drain reduces at least one bias current of a circuit element within said integrated circuit.

4. The canal hearing device of claim **2**, wherein:

said means for selectively reducing current drain shuts off at least one circuit element within said integrated circuit.

5. The canal hearing device of claim **1**, wherein:

said overall in-situ transfer function is within approximately 6 decibels of unaided hearing.

6. The canal hearing device of claim **1**, wherein:

said in-situ acoustic transfer function of said transparent mode is selectable according to said user.

7. The canal hearing device of claim **1**, wherein:

said canal hearing device is an extended-wear device adapted to be worn continuously in the ear canal for longer than one month.

8. The canal hearing device of claim **1**, wherein:

said power source is a battery, and

said canal hearing device is disposable, adapted to be discarded when said battery is depleted.

9. A canal hearing device for hearing enhancement,

said hearing device causing an acoustic insertion loss when placed in the ear canal of a wearer in an OFF condition and normally producing an acoustic gain substantially greater than said insertion loss when powered in an ON condition, said hearing device comprising:

a microphone, circuitry and a power source; and

acoustic transparency means for selectively producing an in-situ acoustic transfer function substantially compensating for said acoustic insertion loss to create an acoustic perception to the wearer of said hearing device of unaided hearing response despite continued presence of said hearing device in the ear canal.

10. The canal hearing device of claim **9**, wherein:

said acoustic transparency means produces an in-situ aided response within about 6 decibels of unaided response.

11. The canal hearing device of claim **9**, wherein

said acoustic transparency means selectively reduces at least one bias current of a circuit element within said circuitry.

12. The canal hearing device of claim **9**, wherein

said acoustic transparency means shuts off at least one circuit element within said circuitry.

13. The canal hearing device of claim **9**, wherein said in-situ acoustic transfer function is programmable to accommodate the individual wearer.

14. The canal hearing device of claim **9**, wherein said canal hearing device is an extended-wear device adapted to be worn continuously in the ear canal for at least one month.

15. The canal hearing device of claim **9**, wherein said power source is a battery, and said canal hearing device is disposable, adapted to be discarded when said battery is depleted.

16. A method of rendering a canal hearing device acoustically transparent in use, wherein said canal hearing device comprises a microphone, circuitry and a power source, and normally produces an acoustic insertion loss while powered OFF when in the ear canal of a user and an acoustic gain substantially greater than said insertion loss when powered ON, said method comprising the steps of:

implementing said canal hearing device with a selectable acoustic transparency mode of operation that produces an in-situ acoustic transfer function to compensate for said acoustic insertion loss, and thereby simulate to the user an absence of said canal hearing device despite its continued presence in the ear canal, and

providing said canal hearing device with means to enable the user to select said acoustic transparency mode of operation.

17. The method of claim **16**, including implementing said acoustic transparency mode to produce said in-situ acoustic transfer function within about 6 decibels of unaided response.

18. The method of claim **16**, including rendering said acoustic transparency mode to be programmable so that its in-situ acoustic transfer function may be programmed to accommodate the individual user.

19. The method of claim **16**, including implementing said acoustic transparency mode to reduce bias current for at least one circuit element within said circuitry.

20. The method of claim **16**, including implementing said acoustic transparency mode to shut off bias current for at least one circuit element within said circuitry.

21. The method of claim **16**, including adapting said canal hearing device for extended wear continuously in the ear canal for a period of time of at least one month.

22. The method of claim **16**, including fabricating said canal hearing device with sufficiently inexpensive components to render it disposable when its power source is depleted.

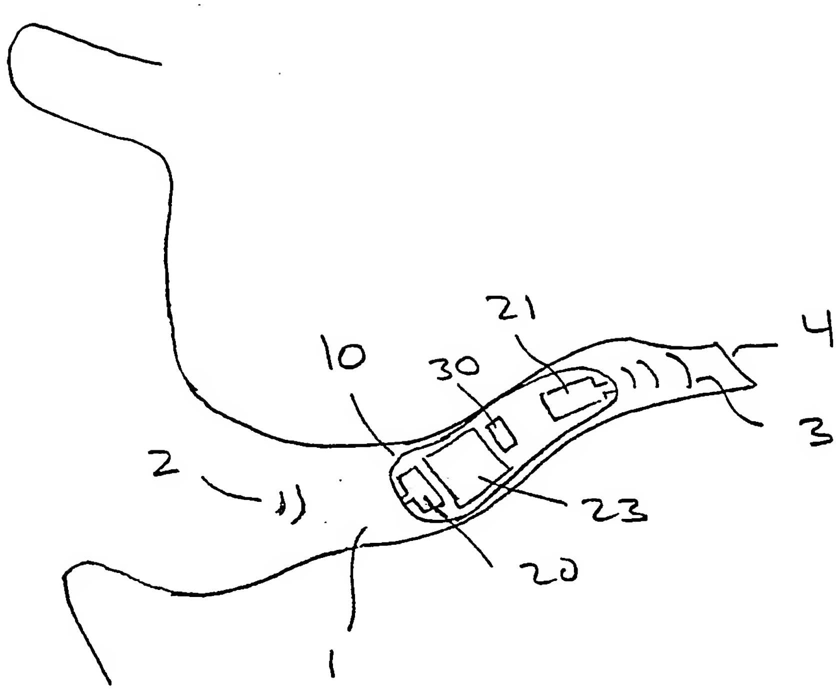
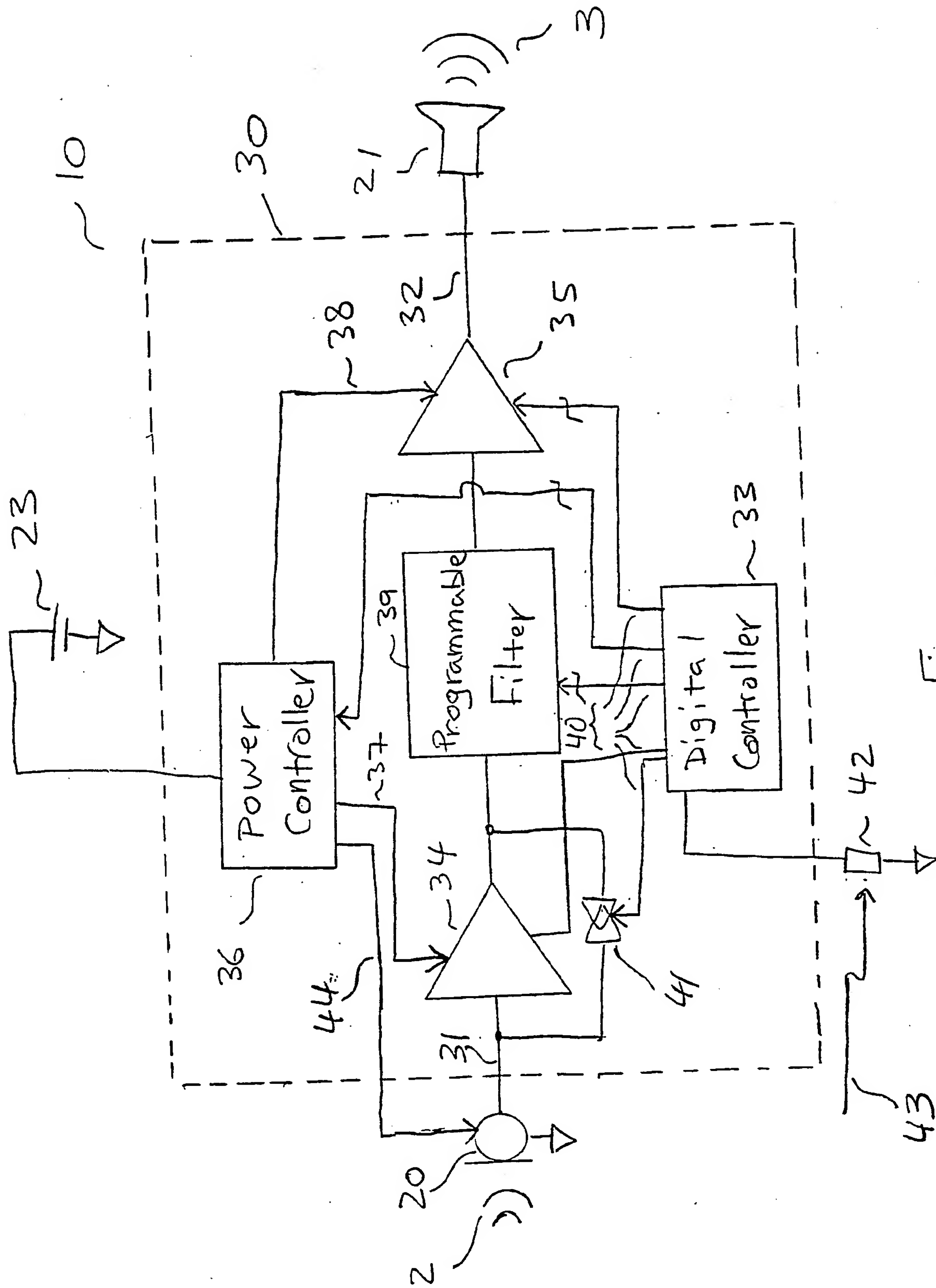


Fig. 1


Power Controller
Programmable Filter
Digital Controller
10
30
3
21
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38
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40
37
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31
41
42
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20
2

Fig. 2

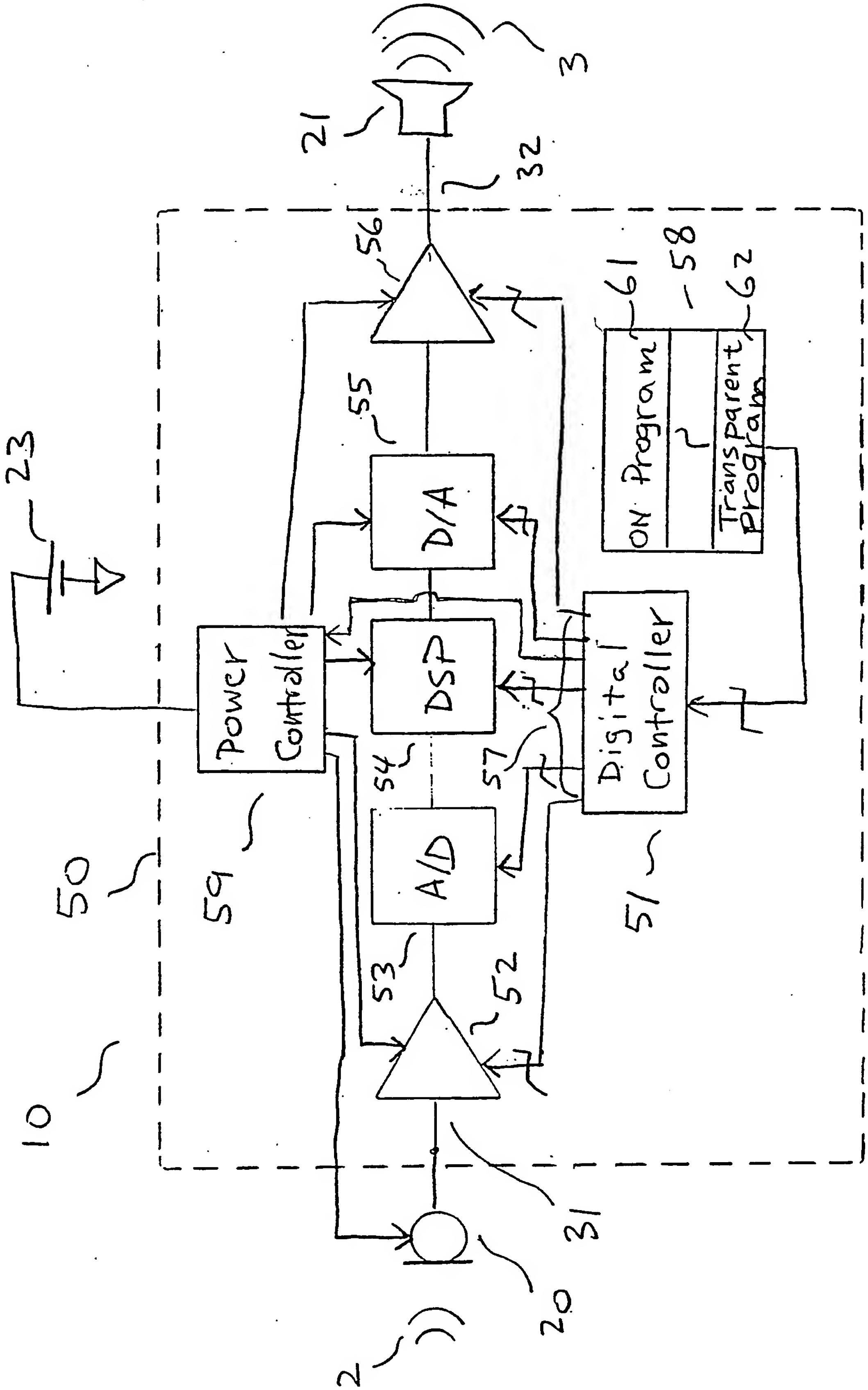
3
21
32
56
61
58
62
ON Program
Transparent Program
55
D/A
23
Power Controller
DSP
Digital Controller
54
57
59
A/D
50
51
53
52
10
31
20
2

Fig. 3

European Patent Office

EUROPEAN SEARCH REPORT

Application Number
EP 04 00 2885

DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.7)
X,D	WO 03/024148 A (INSOUND MEDICAL INC) 20 March 2003 (2003-03-20) * page 1, line 14 - line 22 * * page 5, line 5 - page 6, line 22 * * figures 2,3 *	1,5,6	H04R25/00
Y		2-4	
Y	US 2003/091197 A1 (KUEHNEL VOLKER ET AL) 15 May 2003 (2003-05-15) * paragraph ‘0022! - paragraph ‘0033! *	2-4	
A	DE 198 15 373 A (SIEMENS AUDIOLOGISCHE TECHNIK) 14 October 1999 (1999-10-14) * column 1, line 3 - line 18 * * column 1, line 66 - column 3, line 57 *	1,5	
A	US 5 456 691 A (SNELL JEFFERY D) 10 October 1995 (1995-10-10) * column 7, line 29 - line 35 * * column 7, line 51 - line 63 *	1,5	

TECHNICAL FIELDS SEARCHED (Int.Cl.7)

H04R
A61F
G10K

The present search report has been drawn up for all claims

Place of search	Date of completion of the search	Examiner
Munich	17 June 2004	Kunzelmann, C

CATEGORY OF CITED DOCUMENTS

X : particularly relevant if taken alone
Y : particularly relevant if combined with another document of the same category
A : technological background
O : non-written disclosure
P : intermediate document

T : theory or principle underlying the invention
E : earlier patent document, but published on, or after the filing date
D : document cited in the application
L : document cited for other reasons

& : member of the same patent family, corresponding document

3

ANNEX TO THE EUROPEAN SEARCH REPORT ON EUROPEAN PATENT APPLICATION NO. EP 04 00 2885

This annex lists the patent family members relating to the patent documents cited in the above-mentioned European search report.
The members are as contained in the European Patent Office EDP file on
The European Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

17-06-2004

Patent document cited in search report		Publication date	Patent family member(s)		Publication date
WO 03024148	A	20-03-2003	WO	03024148 A2	20-03-2003
US 2003091197	A1	15-05-2003	AU	1203202 A	21-01-2002
			WO	0205591 A2	17-01-2002
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			EP	1250618 A1	23-10-2002
			JP	2003521728 T	15-07-2003
DE 19815373	A	14-10-1999	DE	19815373 A1	14-10-1999
US 5456691	A	10-10-1995	AU	1094295 A	29-05-1995
			EP	0682542 A1	22-11-1995
			WO	9513112 A1	18-05-1995

For more details about this annex : see Official Journal of the European Patent Office, No. 12/82

Erweiterter Europäischer Recherchenbericht
Extended European Search Report
Rapport de Recherche Européenne Élargi

Anmelde-Nr.:
Application No.: 04 002 885.4
Demande no:

This application is covered by the extended European search report pilot project at present running within the European Patent Office, applied to all European patent applications filed as first filing and searched on or after 01.07.03. Under this project the EPO issues together with the search report an opinion on whether the application and the invention to which it relates meet the requirements of the EPC. This non-binding opinion is issued free of charge as a service. This opinion may be used as the basis for an informed decision as to whether it is desired to pursue the application further or not.

For further details of this pilot project, the applicant's attention is directed to the Official Journal edition 5/2003. If any further immediate questions or comments arise the EPO Customer Services: +31-70-340 4500 or +49-89-2399 2828 can be contacted.

The attached opinion reveals that the application or the invention to which it relates appear not to meet the requirements of the Convention (see comments on enclosed Form 2906).

If the applicant wishes to continue with this application the examination fee must be paid. Where appropriate amendments can be filed to address the objections raised in the opinion, thus shortening the overall procedure. If no amendments are filed, the opinion will be re-issued as the first official communication under Article 96(2) and Rule 51(2) EPC.

If the examination fee has already been paid and the right to the communication under Article 96(1) EPC has been waived for this application, the first official communication under Article 96(2) and Rule 51(2) EPC will be issued promptly.

The examination is being carried out on the **following application documents**:

Description, Pages

1-14 as originally filed

Claims, Numbers

1-6 as originally filed

Drawings, Sheets

1/3-3/3 as originally filed

1) STATE OF THE ART (Article 54(2) EPC):

1.1 The following documents(D) are referred to in this communication; the numbering will be adhered to in the rest of the procedure:

D1: WO 03/024148 A (INSOUND MEDICAL INC) 20 March 2003 (2003-03-20)
D2: US2003/0091197 A (ROECK ET AL.) 15 May 2003 (2003-05-15)
D3: DE 198 15 373 A (SIEMENS AUDIOLOGISCHE TECHNIK) 14 October 1999 (1999-10-14)

2) NOVELTY (Article 54(1) EPC):

2.1 Document D1 is the state of the art already discussed on page 2 of the present application and is considered to represent the most relevant state of the art.
In the embodiment relating to its Figure 3, this document discloses a hearing aid device (see page 1, lines 4, 5) having an input microphone (20) with an associated pre-amplifier (52) and A/D converter (53), an output speaker (21) with an associated output amplifier (56) and D/A converter (55), and a digital signal processing unit (DSP 54) interconnected between the A/D converter and the D/A converter (see page 5, lines 18 - 22).

The hearing device of document D1 is arranged to be adapted to a specific ear of a specific individual (see page 5, lines 5 - 7). The signal processing unit is controllable in at least two operating modes (such as typical ON, FOG, transparent, see page 6, line 29 - page 7, line 9), one of which is a "transparent" mode in the sense of the present application (see page 5, line 27 - page 6, line 22 of document D1). The modes are determined by dedicated programmes (61, 62) stored in a memory (58) (see page 5, lines 22 - 26). Such a dedicated programme may also be called a "programme module" as it forms a unit on its own. As can be seen from Figure 3, the programme (62) for the transparent mode is programmed independent from any other programme at least in the sense that it is stored independently from any other programme in the memory (58).

Thus, document D1 discloses a hearing aid device having all the features mentioned in **claim 1**. The claimed hearing device system, therefore, is not new (Article 54(1) EPC.

2.2 The method of manufacturing a hearing device system of independent **claim 5** covers all the manufacturing methods resulting in the hearing device of claim 1. The claimed method, therefore, is not new, either.
Additionally, the claimed method covers manufacturing methods resulting in hearing devices in which the transparent mode is determined by a first set of parameters, this first set of parameters being independent from only one further parameter set, allowing the first parameters set to be closely interrelated with and dependent on all but one further parameter sets.

2.3 The manufacturing method of **claim 6** apparently merely claims the first of the two alternatives mentioned in claim 5, ie the "programme" alternative rather than the "parameter" alternative. Since the programmes in document D1 are independent as discussed in point 2.1 above, the manufacturing method of claim 6 is not new, either.

3) INVENTIVE STEP (Article 56 EPC):

3.1 The weighting unit introduced in **claim 2** has the technical effect of allowing a variable degree of influence of the two modes of operation.
In the context of hearing aids, it is already known from document D2 that the

degree of influence of two modes of operation may be gradually adjusted in order to allow a smooth transition from one mode of operation to a second mode of operation (see for instance paragraphs 0021, 0022, 0025 or 0032, 0033). The technical solution allowing such a smooth transition is a filter unit (2) causing a weighting of the effects of the two modes of operation (see paragraph 0022).

The person skilled in the art, familiar with document D1 and trying to implement a gradual adjustment from the transparent mode to a typical ON-mode in order to avoid unnatural, abrupt changes of the hearing quality (see document D2, paragraph 0003), would in an obvious manner implement the general teaching of document D2 and therefore provide a weighting unit for the modes operation discussed in document D1. He would, therefore, arrive at a hearing device as claimed in claim 2 without taking an inventive step.

3.2 In particular, the person skilled in the art would implement an automatic smooth transition, which of course must be under control of the control of the DSP unit (see document D2, paragraph 0033). Thus, he would also arrive at the hearing device of **claims 3 and 4** without taking an inventive step.

4) CLARITY (Article 84 EPC):

4.1 The term "transparent mode" used in the claims has a particular technical meaning (see page 2, line 11 - page 4, line 19) which apparently is not generally known in the given technical area, since only one particular prior art document which uses this term in the same sense was found. The definition of this term, therefore, should be included in any future independent claims to clearly define the matter for which protection is sought (see Guidelines C-III, 4.2 and Article 84 EPC).

4.2 It is clear from the description, page 10, line 12 - page 11, line 25, that the "independence" of the programmes or parameters is not as absolute as the term "independence" suggests. In fact, the second parameter set may be simply an adjusted version of the first parameter set determining the transparent mode and is therefore not truly independent (in the sense of "completely unrelated"). The technical meaning of the term "independent" used in the claims, therefore, is not

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clear (Article 84 EPC).
In particular. it is stressed that a parameter set adjustment of the kind discussed in the description is already known in the given technical field (see document D3, col. 1, line 66 - col. 3, line 57).

5) INVITATION (Article 96(2) EPC):

5.1 The applicant is requested to file new claims which take account of the above comments.

5.2 The features of the claims to be filed should be provided with reference signs placed in parentheses to increase the intelligibility of the claims (Rule 29(7) EPC). This applies to both the preamble and characterising portion (see the Guidelines, C-III, 4.11).

5.3 When filing amended claims the applicant should at the same time bring the description into conformity with the amended claims. Care should be taken during revision, especially of the introductory portion and any statements of problem or advantage, not to add subject-matter which extends beyond the content of the application as originally filed (Article 123(2) EPC).